

Remarks

Upon entry of this amendment claims 200-207 and 229-235 are pending. Amended and new claims are provided to more fully describe the invention and to expedite prosecution. Claims 1-199 and 208-217 are canceled, without prejudice or disclaimer; claims 228-235 are added by this amendment.

Support for the amendments and new claims may be found at least at page 9, line 21 et seq., page 17, line 23 et seq., page 57, line 31 et seq., and Examples 7-15, 21, and 25-28. No new material has been added.

Status of the claims

The Examiner has withdrawn from examination claims 52, 55-57 and 212-227, which therefore have been canceled by this amendment. Claims 200 and 204 (and accordingly, all remaining claims, which depend therefrom) have been amended to clarify that the claims as presently pending are focused on non-proteinaceous pentaazamacrocyclic molecules which act as catalysts for the dismutation of superoxides covalently bound to the surface of a biomaterial.

As discussed below, applicants were the first to show that this special class of molecules would retain their ability to effectively dismutate (break apart) superoxides catalytically over prolonged periods despite being covalently bound to the surface of wide ranging biomaterials, improving the biomaterials' resistance to degradation and reducing the inflammatory response to the insertion of such biomaterials into the body. See, e.g., page 9, et seq., and various Examples. Accordingly, the claimed invention is neither anticipated nor obvious, and applicants therefore urge prompt allowance.

Rejections under 35 U.S.C. 102(e)

The Examiner has rejected the claims under 35 U.S.C. 102(e) as being anticipated by Riley et al. (U.S. Patent No. 6,084,093 (" '093")). The '093 reference does not support this rejection while it discloses pentaazamacrocyclics, the reference does not disclose the binding of the pentaazamacrocyclic compounds to the surface of the biomaterial (e.g. claim 200, 204 and claims depending therefrom). This requirement for binding has been emphasized by adding "covalently" to the claims (e.g. claim 200, 204 and claims depending therefrom).

Rejections under 35 U.S.C. 103

The claims were further rejected over the combination of Riley et al. and Green et al. (U.S. Patent 6,939,569). The Green et al. reference, however, discloses medical devices which can be *coated with an oxidant*. The pentaazamacrocyclic compounds have superoxide dismutase activity, i.e. they have anti-oxidant activity rather than oxidant activity (thus Green teaches away from the use of an anti-oxidant) and in addition, the coatings of Green et al. are not covalently bound to the medical devices. Thus, the combination of Riley et al. and Green et al. do not render the claims obvious.

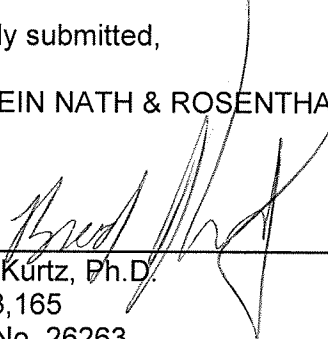
Conclusion

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of rejections of the claims. It is believed that the claims as currently presented are in a condition for allowance and such favorable action is respectfully requested. If any questions arise or if any issues remain to be resolved, it is requested that the Examiner contact the undersigned attorney.

Respectfully submitted,

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